

In the Matter Of:

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY

VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D.

February 10, 2016



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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC. MDL No. 2419
PRODUCTS LIABILITY LITIGATION Master Docket
1:13-md-02419-RWZ

VIDEOTAPED DEPOSITION DUCES TECUM
OF RITU T. BHAMBHANI, M.D.

Wednesday, February 10, 2016

Reported by: Lori J. Goodin, RPR, CLR, CRR,
Realtime Systems Administrator
Assignment No. 26236

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 2..5

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4 The deposition of RITU T. BHAMBHANI, M.D.,</p> <p>5 was convened on Wednesday, February 10, 2016,</p> <p>6 commencing at 10:01 a.m., at the offices of</p> <p>7</p> <p>8 PESSIN KATZ LAW</p> <p>9 Suite 400</p> <p>10 901 Dulaney Valley Road</p> <p>11 Towson, Maryland 21204</p> <p>12</p> <p>13 before Lori J. Goodin, Registered Professional</p> <p>14 Reporter, Certified LiveNote Reporter, Certified</p> <p>15 Realtime Reporter, Realtime Systems</p> <p>16 Administrator, and Notary Public in and for the</p> <p>17 State of Maryland.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES CONTINUED</p> <p>2</p> <p>3 For Defendant:</p> <p>4 GREGORY KIRBY, ESQUIRE</p> <p>5 CATHERINE W. STEINER, ESQUIRE</p> <p>6 PESSIN KATZ LAW</p> <p>7 Suite 400</p> <p>8 901 Dulaney Valley Road</p> <p>9 Towson, Maryland 21204</p> <p>10 410-938-8800</p> <p>11 gkirby@pklaw.com</p> <p>12 csteiner@pklaw.com</p> <p>13</p> <p>14 ALSO PRESENT:</p> <p>15 Meeko Goodhill, videographer</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 For Plaintiffs:</p> <p>4 HARRY ROTH, ESQUIRE</p> <p>5 MICHAEL COREN, ESQUIRE</p> <p>6 COHEN PLACITELLA & ROTH, P.C.</p> <p>7 2001 Market Street</p> <p>8 Suite 2900</p> <p>9 Philadelphia, PA 19103</p> <p>10 215-567-3500</p> <p>11 hroth@cpirlaw.com</p> <p>12 mcoren@cpirlaw.com</p> <p>13</p> <p>14 And Co-counsel:</p> <p>15 PATRICIA KASPUTYS, ESQUIRE</p> <p>16 SHARON L. HOUSTON, ESQUIRE</p> <p>17 LAW OFFICES OF PETER G. ANGELOS</p> <p>18 One Charles Center</p> <p>19 100 North Charles Street</p> <p>20 22nd Floor</p> <p>21 Baltimore, Maryland 21201</p> <p>22 410-649-2000</p> <p>23 pjklaw@lawpga.com</p> <p>24 shouston@lawpga.com</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 CONTENTS</p> <p>2 EXAMINATION BY PAGE</p> <p>3 Mr. Roth 8</p> <p>4</p> <p>5 EXHIBITS</p> <p>6 NO. DESCRIPTION PAGE</p> <p>7 Exhibit 1051 Answers to PSC's first set of 9</p> <p>8 Interrogatories</p> <p>9 Exhibit 1052 Responses to PSC's request for 9</p> <p>10 Production of documents</p> <p>11 Exhibit 1053 Responses to Steering Committee 9</p> <p>12 Revised subpoena request</p> <p>13 Exhibit 1054 CV of Dr. Ritu Bhambhani 23</p> <p>14 Exhibit 1055 Earlier version of CV of 31</p> <p>15 Dr. Ritu Bhambhani</p> <p>16 Exhibit 1056 Current Policy and Procedure 46</p> <p>17 Manual and organizational chart</p> <p>18 Exhibit 1057 Salesman Andrew Howden's card 118</p> <p>19 Exhibit 1058 Order form used by Box Hill for 118</p> <p>20 NECC, Bates 000011</p> <p>21 Exhibit 1059 NECC prescription order form of 131</p> <p>22 9/21/2012, Bates 13</p> <p>23 Exhibit 1060 NECC prescription order form of 137</p> <p>24 9/24/2012</p> <p>25 Exhibit 1061 NECC invoice for 9/25 order 140</p>

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 6..9

<p>Page 6</p> <p>1 EXHIBITS CONTINUED</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 Exhibit 1062 Packing list from NECC for 141</p> <p>4 9/24/2012 order</p> <p>5 Exhibit 1063 Packing list from NECC for 142</p> <p>6 8/13/2012, Bates 10</p> <p>7 Exhibit 1064 Form from Department of Health 157</p> <p>8 signed by Dr. Bhambhani, 10/6</p> <p>9 Exhibit 1065 Procedure notes of Dr. Bhambhani 201</p> <p>10 for Ms. Rozek's procedure at</p> <p>11 Box Hill Surgery Center, 8/31/2012</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 Original Exhibits attached to the</p> <p>19 original transcript.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 8</p> <p>1 Offices of Peter Angelos.</p> <p>2 MS. KASPUTYS: Patricia Kasputys,</p> <p>3 also with the Law Offices of Peter Angelos on</p> <p>4 behalf of multiple plaintiffs.</p> <p>5 MS. STEINER: Catherine Steiner on</p> <p>6 behalf of Dr. Ritu Bhambhani, Ritu Bhambhani,</p> <p>7 M.D., LLC, and Box Hill Surgery Center.</p> <p>8 MR. KIRBY: Greg Kirby on behalf of</p> <p>9 same Box Hill defendants.</p> <p>10 THE VIDEOGRAPHER: Court reporter</p> <p>11 please swear in the witness and we can</p> <p>12 proceed.</p> <p>13 RITU T. BHAMBHANI, M.D.,</p> <p>14 a witness called for examination, having been</p> <p>15 first duly sworn, was examined and testified as</p> <p>16 follows:</p> <p>17 EXAMINATION</p> <p>18 BY MR. ROTH:</p> <p>19 Q. Good morning Dr. Bhambhani. How are</p> <p>20 you?</p> <p>21 A. Good, thank you.</p> <p>22 Q. You understand that today I'm going</p> <p>23 to question you generally about the practice at</p> <p>24 Box Hill Surgical Center and the use of</p> <p>25 compounded materials that were manufactured or</p>
<p>Page 7</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: We are now on</p> <p>3 record. This is Tape Number 1 to the</p> <p>4 videotaped deposition of Dr. Ritu Bhambhani</p> <p>5 taken in the matter of In Re: New England</p> <p>6 Compounding Pharmacy, Inc., Products</p> <p>7 Liability Litigation.</p> <p>8 This deposition is being held at</p> <p>9 Pessin Katz Law, located at 901 Dulaney</p> <p>10 Valley Road, Suite 500, Towson, Maryland,</p> <p>11 21204, on Wednesday February 10th, 2016, at</p> <p>12 10:01 a.m.</p> <p>13 My name is Meeko Goodhill and I am</p> <p>14 the videographer. The court reporter is Lori</p> <p>15 Goodin.</p> <p>16 Counsel please introduce yourselves</p> <p>17 for the record, please.</p> <p>18 MR. ROTH: My name is Harry Roth. I</p> <p>19 am from the firm of Cohen Placitella & Roth,</p> <p>20 and I represent the estate of Brenda Rozek.</p> <p>21 MR. COREN: Michael Coren on behalf</p> <p>22 of multiple plaintiffs and the estate of</p> <p>23 Brenda Rozek.</p> <p>24 MS. HOUSTON: Sharon Houston on</p> <p>25 behalf of multiple plaintiffs of the Law</p>	<p>Page 9</p> <p>1 compounded by NECC, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Before today's deposition, did you</p> <p>4 review any material?</p> <p>5 A. Some of the materials that we have</p> <p>6 turned in, policies, procedure manuals, I</p> <p>7 requested to see, this is my first time doing a</p> <p>8 deposition. So, I requested to see a couple of</p> <p>9 depositions to get a sense of what to expect.</p> <p>10 Q. Okay. I had marked before we went</p> <p>11 on the record Answers to Interrogatories,</p> <p>12 Responses to Requests for Production of</p> <p>13 Documents, and Responses to Subpoena Requests.</p> <p>14 (Exhibit Number 1051</p> <p>15 marked for identification.)</p> <p>16 (Exhibit Number 1052</p> <p>17 marked for identification.)</p> <p>18 (Exhibit Number 1053</p> <p>19 marked for identification.)</p> <p>20 BY MR. ROTH:</p> <p>21 Q. Let me show you what I have marked</p> <p>22 as Exhibit 1051, and this is the answers to the</p> <p>23 PSC's first set of interrogatories.</p> <p>24 Did you review these before today's</p> <p>25 deposition?</p>

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 70..73

<p style="text-align: right;">Page 70</p> <p>1 MPA was wasn't compounded? I think that was my 2 original question.</p> <p>3 A. If I did, I do not remember.</p> <p>4 Q. Okay. And prior to 2013, had you 5 used any MPA that was not compounded? 6 And let me narrow that because that 7 takes you all of the way back to your residency. 8 A. Yes, to my residency. 9 Q. And I don't want to do that. 10 Since coming to, being in private 11 practice, had you used any MPA that was not 12 compounded before 2013? 13 A. So you are saying from 2008 on? 14 Q. No. I'm saying from 2000, from 2000 15 to 2013. 16 MS. STEINER: Across the spectrum of 17 different locations? 18 BY MR. ROTH: 19 Q. Correct. 20 A. So, Franklin Square included, the 21 first job included? 22 Q. Yes. 23 A. Had I used non-compounded MPA? 24 Q. Yes. 25 A. I have to think, I am -- what I can</p>	<p style="text-align: right;">Page 72</p> <p>1 black and white as that. When I was at Harford 2 County Ambulatory Surgical Center, the physician 3 who had brought me on board at Franklin Square 4 also was coming to Harford County Ambulatory 5 Surgery Center, because when I left Franklin 6 Square to become, to come to Harford County 7 Ambulatory Surgery Center, he left Franklin 8 Square at some point soon after I did and started 9 his own practice. 10 And, until he had, I guess, his 11 location set up to be able to do procedures, he 12 was coming to Harford County Ambulatory Surgery 13 Center to do procedures. 14 And he introduced, definitely, me to 15 the possibility of being able to use a 16 preservative-free steroid. 17 And he was using preservative-free 18 MPA at the time. That is the same physician I 19 have worked with for three years at Franklin 20 Square about ten years my senior. And, he knew 21 that I had had a couple of patients I was using 22 the same, for the most part I think, the same 23 steroid I had trained with at Franklin Square. 24 And he knew that I had had a couple 25 of patients with some side effects. And when he</p>
<p style="text-align: right;">Page 71</p> <p>1 say is I had used non-compounded steroid, but I'm 2 not sure if I had used non-compounded MPA 3 specifically. 4 Q. Okay. And, that is a good 5 distinction. 6 At Box Hill, between 2013 and 2008, 7 had you used non-compounded steroids for epidural 8 injections? 9 A. Again, I can't say for sure if I 10 would have. 11 More broadly speaking, I know at 12 some point from the time I started at Franklin 13 Square I have used a non-compounded 14 triamcinolone. I have used non-compounded and, 15 yeah, non-compounded celestone which is a 16 betamethasone two salt combination. 17 What I can't say for sure is that 18 from 2008 to 2013 if I used a non-compounded MPA. 19 Q. You can't say that. 20 A. I cannot say for sure. 21 Q. Did there come a time in your 22 professional experience where you have made a 23 decision that you were going to use compounded 24 MPA? 25 A. To some extent, maybe just not as</p>	<p style="text-align: right;">Page 73</p> <p>1 saw me at Harford County Ambulatory Surgery 2 Center he was using preservative-free MPA and 3 suggested, not just me, but there was another 4 pain provider who was doing pain procedures at 5 Harford County Ambulatory Surgery Center that we 6 try that for the reason that, since the active 7 medication that we were looking for therapeutic 8 factors of the steroid and that is the same, that 9 to use it without the additional chemical of the 10 preservative, that that would be a better choice. 11 And I was agreeable to it, and that is when I 12 first started using a preservative-free steroid. 13 Q. And at the time that you first 14 started using this preservative-free steroid at, 15 and this was at Harford County? 16 A. Harford County. 17 Q. Was the only way to get a 18 preservative-free steroid to get it from a 19 compounding pharmacy? 20 A. I was not, I guess, part of the 21 ordering process at Harford County, so I'm not 22 sure. 23 Q. Okay. 24 A. Or at least at the time I wasn't 25 sure that if they had other options or, if that</p>

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 74..77

<p style="text-align: right;">Page 74</p> <p>1 was the only way.</p> <p>2 Q. But, I, do I understand that the</p> <p>3 reason why you wanted to use a preservative-free</p> <p>4 MPA was based on the advice of this more senior</p> <p>5 physician and you thought that was a way to avoid</p> <p>6 complications that other patients had with a</p> <p>7 preservative, with a steroid that did have a</p> <p>8 preservative?</p> <p>9 A. So, that was a long question.</p> <p>10 Q. Okay. Let me break it down then?</p> <p>11 A. Yes, sorry.</p> <p>12 Q. First of all, let me try something</p> <p>13 completely different. What was the steroid that</p> <p>14 you had used that you had trained with?</p> <p>15 A. Triamcinolone.</p> <p>16 Q. Okay.</p> <p>17 A. I had used triamcinolone and at some</p> <p>18 point I had used the betamethasone combination,</p> <p>19 not just, betamethasone is available as, either</p> <p>20 just a plain one salt versus a combination of two</p> <p>21 salts which makes it both short and long acting.</p> <p>22 Q. Okay.</p> <p>23 A. Action. So, I had used those two</p> <p>24 non-compounded prior to using the</p> <p>25 preservative-free MPA.</p>	<p style="text-align: right;">Page 76</p> <p>1 patients that I can think of who had had</p> <p>2 these were postmenopausal women with vaginal</p> <p>3 bleeding that there was a time correlation,</p> <p>4 when I looked it up in the PDR, that was one</p> <p>5 of the potential side effects of</p> <p>6 triamcinolone.</p> <p>7 So I had tried betamethasone and had</p> <p>8 much more of the, what are the common side</p> <p>9 effects, I guess, from the systemic</p> <p>10 absorption of the steroids.</p> <p>11 So, timing-wise it was right around</p> <p>12 when I was kind of saying okay, the</p> <p>13 triamcinolone had the vaginal bleeding and</p> <p>14 betamethasone seemed to cause too many other</p> <p>15 side effects when Dr. Dickson said, you know,</p> <p>16 I'm using this.</p> <p>17 And, if anything, you know, the</p> <p>18 particle size is better than triamcinolone,</p> <p>19 the duration is similar, and that much I knew</p> <p>20 in terms of duration of the fact that they</p> <p>21 were all supposed to be about same.</p> <p>22 And that was one steroid I had not</p> <p>23 tried before, either preservative or</p> <p>24 preservative-free, not that I can remember.</p> <p>25 So, I was like okay, so one it is</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. How many patients that you injected</p> <p>2 with those non-compounded steroids had side</p> <p>3 effects?</p> <p>4 MS. STEINER: Objection as to form.</p> <p>5 THE WITNESS: Side effects?</p> <p>6 BY MR. ROTH:</p> <p>7 Q. Side effects that you related to the</p> <p>8 use of the steroid.</p> <p>9 A. So, side effects. I mean,</p> <p>10 steroid-related side effects from systemic</p> <p>11 absorption from a spine injection, happened about</p> <p>12 5 percent of the times.</p> <p>13 So, I had seen those probably,</p> <p>14 approximately that much.</p> <p>15 Q. And what type of, what type of</p> <p>16 complications?</p> <p>17 MS. STEINER: Objection as to form.</p> <p>18 THE WITNESS: Again, not so much</p> <p>19 complication, more the side effect, facial</p> <p>20 redness, mood alteration, muscle cramps,</p> <p>21 hot/cold sweats, I had noticed those a lot</p> <p>22 more with the betamethasone. The</p> <p>23 triamcinolone, what had really made me even</p> <p>24 look for something other than what I had</p> <p>25 trained with, was that I had had at least two</p>	<p style="text-align: right;">Page 77</p> <p>1 different from the other two, and the other</p> <p>2 he felt that the preservative-free was an</p> <p>3 even better option because you are</p> <p>4 eliminating one other chemical at the spinal</p> <p>5 canal would be exposed to.</p> <p>6 So, when he suggested a Harford</p> <p>7 County Ambulatory Surgery Center I was</p> <p>8 agreeable to trying it.</p> <p>9 BY MR. ROTH:</p> <p>10 Q. And who was this doctor?</p> <p>11 A. David Dickson.</p> <p>12 Q. All right. And, the side effects</p> <p>13 that you observed with the compounded steroids,</p> <p>14 were they related to the steroid itself or were</p> <p>15 they related to the preservatives in the steroid?</p> <p>16 Or did you ever make that determination?</p> <p>17 A. The side effects that I had observed</p> <p>18 with the vaginal bleeding or the facial redness</p> <p>19 or the mood alteration, those were reported as,</p> <p>20 at least in the PDR, as the side effects when I</p> <p>21 looked up the steroids themselves.</p> <p>22 Q. Uh-huh.</p> <p>23 A. I don't remember if they may have a</p> <p>24 differentiation between, you know, which</p> <p>25 ingredient of a formulation would cause it. I</p>

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 78..81

<p style="text-align: right;">Page 78</p> <p>1 don't recall making a differentiation at the</p> <p>2 time.</p> <p>3 Q. Okay. Have you, since using,</p> <p>4 starting using preservative-free MPA, can you</p> <p>5 tell me approximately when that was?</p> <p>6 A. Sometime when I started doing pain</p> <p>7 at Harford County Ambulatory Surgical Center.</p> <p>8 I would have to guess I started</p> <p>9 there in mid-2008. So, sometime around --</p> <p>10 MS. STEINER: I think you are off.</p> <p>11 THE WITNESS: Oh, I'm sorry, 2003.</p> <p>12 So, somewhere between that and 2004.</p> <p>13 BY MR. ROTH:</p> <p>14 Q. Okay. And again I was really just</p> <p>15 looking for an approximation.</p> <p>16 A. Right, right, right.</p> <p>17 Q. Because I wanted to know, since you</p> <p>18 began using preservative-free MPA, and by the way</p> <p>19 was that always, that was always compounded? The</p> <p>20 preservative-free MPA?</p> <p>21 MS. STEINER: Objection as to</p> <p>22 foundation.</p> <p>23 BY MR. ROTH:</p> <p>24 Q. Well, was the preservative-free MPA</p> <p>25 that you began using a compounded steroid?</p>	<p style="text-align: right;">Page 80</p> <p>1 them, that the preservatives in steroids made,</p> <p>2 created risks for patients?</p> <p>3 MS. STEINER: Can you give a time</p> <p>4 frame on that?</p> <p>5 BY MR. ROTH:</p> <p>6 Q. I want to know from approximately</p> <p>7 2004?</p> <p>8 MS. STEINER: Four.</p> <p>9 BY MR. ROTH:</p> <p>10 Q. Until the recall, did you ever look</p> <p>11 at the issue of whether preservatives in steroids</p> <p>12 carried a risk to patients?</p> <p>13 A. Other than the discussion with</p> <p>14 Dr. Dickson when he suggested that I try it and</p> <p>15 the reason that he gave, I don't remember reading</p> <p>16 a specific article about that.</p> <p>17 Q. Okay. And was there any discussion</p> <p>18 with Dr. Dickman about whether or not there were</p> <p>19 other -- well, there were different manufacturers</p> <p>20 of preservative-free MPA.</p> <p>21 MS. STEINER: Objection as to form</p> <p>22 and foundation.</p> <p>23 THE WITNESS: I had no, I guess,</p> <p>24 reason to ask about manufacturers. Just</p> <p>25 like, you know, when I was at Franklin</p>
<p style="text-align: right;">Page 79</p> <p>1 A. At Harford County Ambulatory Surgery</p> <p>2 Center?</p> <p>3 Q. Yes.</p> <p>4 A. I know they were getting it from</p> <p>5 NECC because that is more so not so much</p> <p>6 initially when they first started getting, like I</p> <p>7 said I wasn't involved with the process of</p> <p>8 getting the medication.</p> <p>9 But, more so finding out where they</p> <p>10 were getting it from as I was getting ready to</p> <p>11 start my practice when, you know --</p> <p>12 Q. Understood. So, I was looking back</p> <p>13 after your conversation with, I think her name</p> <p>14 was Barbara.</p> <p>15 A. Yes.</p> <p>16 Q. You learned they got their MPA from</p> <p>17 NECC?</p> <p>18 A. Correct.</p> <p>19 Q. And you learned that that was a</p> <p>20 compounding pharmacy?</p> <p>21 A. Most likely, yes.</p> <p>22 Q. Okay. In any event, since you began</p> <p>23 using preservative-free MPA, did you do any</p> <p>24 research or personal investigation to determine</p> <p>25 whether or not steroids that had preservatives in</p>	<p style="text-align: right;">Page 81</p> <p>1 Square, he was there. These were the</p> <p>2 steroids available, this is what I used,</p> <p>3 okay.</p> <p>4 Over here, I was not involved in the</p> <p>5 ordering process. So, I don't remember</p> <p>6 asking about the actual source at the time</p> <p>7 when he first -- it probably would have been</p> <p>8 more a discussion between him and the person</p> <p>9 ordering, or their nurse manager there at the</p> <p>10 time.</p> <p>11 BY MR. ROTH:</p> <p>12 Q. In 2008 when you became the person</p> <p>13 responsible for deciding what medications to</p> <p>14 purchase for Box Hill and for your patients --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- until the recall, did you</p> <p>17 investigate whether or not there were other</p> <p>18 manufacturers of preservative-free MPA than NECC?</p> <p>19 A. No.</p> <p>20 Q. Are you aware or were you aware of</p> <p>21 whether or not there were any preservative-free</p> <p>22 steroids available other than the MPA, I'm sorry,</p> <p>23 and let me set my time frame.</p> <p>24 After you became responsible for</p> <p>25 purchasing, for deciding what steroids would be</p>

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 82..85

<p style="text-align: right;">Page 82</p> <p>1 purchased for Box Hill, until the recall, did you 2 know whether or not there was available 3 preservative-free steroids other than what you 4 were purchasing from NECC?</p> <p>5 A. I had no reason to, or at least the 6 best that I remember, I don't remember having to 7 look for another source. I mentioned earlier it 8 was something that I used for years prior, so it 9 was a, not just this one thing but most of the 10 supplies that I got was a simple, kind of thing 11 to say, okay, this is where they got it from, I 12 have used this before, I was fine with it and 13 this is what I'm going to continue using.</p> <p>14 If I used, like I said anything 15 other than this, I don't remember having to 16 either ask Andy or my nurse or me personally 17 thinking of let me look for an alternative.</p> <p>18 Q. Okay. And again you say you don't 19 remember doing it.</p> <p>20 But, between 2008 and the time of 21 the recall, was NECC your sole source for 22 injectable steroids at Box Hill?</p> <p>23 A. For the most part. The only part I 24 don't remember, I know somewhere in there, there 25 were case reports of particulate steroid causing</p>	<p style="text-align: right;">Page 84</p> <p>1 was getting them from, and, reaching out to the 2 same providers of the different supplies and 3 either, you know, me myself, if I had time or 4 giving it to the nurse and saying research and 5 I'm going with that.</p> <p>6 Q. When you first became responsible 7 for ordering the steroids at Box Hill, other than 8 saying, asking, I mean, is it basically Barbara, 9 where did we get the steroids from and she told 10 you it was NECC and gave you contact information?</p> <p>11 A. More than likely that is how I would 12 have, like I said, not just the steroid, that 13 would have been for pretty much --</p> <p>14 Q. For everything?</p> <p>15 A. -- for most supplies that I would 16 use for the pain procedures.</p> <p>17 Q. Okay. And when she gave you 18 information, first of all, when you were at 19 Harford, had you had any contact with anybody 20 from NECC?</p> <p>21 A. Not, to the best of my recollection.</p> <p>22 Q. Had any, anybody ever talked to you 23 at all, had you even heard the name NECC before 24 you asked Barbara where do we get the steroid 25 from?</p>
<p style="text-align: right;">Page 83</p> <p>1 problems in cervical injections.</p> <p>2 What I don't remember is if I had 3 that discussion with the nurse at Box Hill or 4 Harford County where I wanted to try a 5 nonparticulate steroid, and there is only a 6 couple of different options there that I would 7 have used that.</p> <p>8 But as far as the preservative-free 9 MPA, the best I know NECC was pretty much our 10 source the entire time.</p> <p>11 Q. Okay. Let me turn a little bit 12 about the decision to use NECC.</p> <p>13 You said you spoke with Barbara 14 Wagner at Harford. What do you recall about your 15 conversation about using NECC?</p> <p>16 A. I wouldn't recall a conversation 17 from 2008.</p> <p>18 The general sense of the time was 19 getting a list of, you know, okay, she says, you 20 know, these are the gloves you used to use, this 21 is the local anesthetic that you have used for 22 the last five years, this is the skin prep you 23 have used for the last five years, this is the 24 steroid you have used, this is the pointers you 25 use, and getting that list and seeing where she</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I mean, if I had, you know, in the 2 general course of being there five days a week as 3 their anesthesiologist, but I don't remember 4 anything out of the ordinary.</p> <p>5 Q. Okay. Did you ever get any -- 6 strike that.</p> <p>7 In 2008, when you became responsible 8 for purchasing your medications and steroids and 9 Barbara tells you okay, we got this stuff from 10 NECC, did you talk to, did you find out any 11 information about how NECC, you know, did its 12 work? Made its compounds?</p> <p>13 MS. STEINER: Objection as to form 14 and foundation.</p> <p>15 THE WITNESS: How they made their 16 compounds?</p> <p>17 BY MR. ROTH:</p> <p>18 Q. Sure.</p> <p>19 A. I was ordering something I had used 20 before. I have no reason to ask that particular 21 question of any of the suppliers of any of the 22 products I was getting at the time because I 23 wasn't really, in my mind at least I wasn't 24 changing anything of what I had done at an 25 established center. They were Medicare certified</p>

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 86..89

<p style="text-align: right;">Page 86</p> <p>1 state licensed, AAAC accredited, I had done it</p> <p>2 for years over there. I was not consciously</p> <p>3 making a particular change to look into anything</p> <p>4 further about these specific companies, I guess.</p> <p>5 Q. Okay.</p> <p>6 A. Process.</p> <p>7 Q. And, so, all of those things you</p> <p>8 were mentioning about they were Medicare</p> <p>9 approved, they were AAA, you know, rated, that</p> <p>10 related to Harford, right?</p> <p>11 A. Uh-huh.</p> <p>12 MS. STEINER: That is a yes?</p> <p>13 THE WITNESS: Yes, sorry.</p> <p>14 BY MR. ROTH:</p> <p>15 Q. So, in a, do I understand then</p> <p>16 because they were relying on this, on these</p> <p>17 providers, whether it was NECC or others, that</p> <p>18 was a good enough reference for you to use those</p> <p>19 providers as well when you started your own shop?</p> <p>20 A. I mean, I had used those things</p> <p>21 before.</p> <p>22 So, the fact that I was at a place</p> <p>23 that I had worked at and I had used those</p> <p>24 products before for every single thing that I</p> <p>25 needed to continue doing pain management, it</p>	<p style="text-align: right;">Page 88</p> <p>1 THE WITNESS: I'm sorry, say that</p> <p>2 again.</p> <p>3 BY MR. ROTH:</p> <p>4 Q. I take it then that you were not</p> <p>5 aware that compounded drugs lack FDA findings of</p> <p>6 safety, efficacy, manufacturing quality.</p> <p>7 MS. STEINER: Objection as to form</p> <p>8 and foundation.</p> <p>9 THE WITNESS: I do not know about</p> <p>10 the FDA's thing other than back then and even</p> <p>11 now I work under what I think is a reasonable</p> <p>12 assumption that the FDA has oversight over</p> <p>13 any medication, prescription or</p> <p>14 over-the-counter.</p> <p>15 BY MR. ROTH:</p> <p>16 Q. Well, sitting here today, if you</p> <p>17 were to learn that compounding pharmacies do not</p> <p>18 have FDA oversight, would that affect your</p> <p>19 thinking about whether or not you would prescribe</p> <p>20 compounds for your patients?</p> <p>21 MS. STEINER: Objection as to form</p> <p>22 and foundation.</p> <p>23 THE WITNESS: Still sitting here</p> <p>24 today, I find it hard to believe that FDA</p> <p>25 does not have oversight over a medication.</p>
<p style="text-align: right;">Page 87</p> <p>1 seemed like a reasonable thing to continue using</p> <p>2 the same.</p> <p>3 Q. What is a compounding pharmacy? I</p> <p>4 mean, do you know what a compounding pharmacy is?</p> <p>5 A. If they have like a legal</p> <p>6 definition, I'm not sure.</p> <p>7 But, my best understanding is it is</p> <p>8 a pharmacy that can put together a medication in</p> <p>9 a form that a, I guess a regular manufacturing</p> <p>10 company does not.</p> <p>11 Q. Okay. And, do you, did you, between</p> <p>12 2008 and the time of the recall, know whether or</p> <p>13 not compounding pharmacies were subject to FDA</p> <p>14 oversight?</p> <p>15 A. Since the day I came to the country</p> <p>16 I assumed every medicine is under FDA oversight.</p> <p>17 So I have to admit I don't recall ever</p> <p>18 specifically thinking about the, oversight over</p> <p>19 compounding pharmacies specifically.</p> <p>20 Q. Okay. So, I take it then you were</p> <p>21 not aware that compounded drugs don't have FDA</p> <p>22 findings of safety, efficacy and manufacturing</p> <p>23 quality.</p> <p>24 MS. STEINER: Objection as to form</p> <p>25 and foundation.</p>	<p style="text-align: right;">Page 89</p> <p>1 BY MR. ROTH:</p> <p>2 Q. Okay. So I want you to assume for a</p> <p>3 moment that the FDA did not have oversight over</p> <p>4 compounded pharmacies.</p> <p>5 Would that affect your decision</p> <p>6 about whether or not to prescribe or use</p> <p>7 compounds for your patients?</p> <p>8 MS. STEINER: Let me just object to</p> <p>9 the hypothetical, because you are asking her</p> <p>10 to assume something prior to the 2012 time</p> <p>11 frame and asking her to make a decision now</p> <p>12 based upon it.</p> <p>13 BY MR. ROTH:</p> <p>14 Q. Well, I'm actually asking her now.</p> <p>15 I'm sorry if I got my tenses screwed up.</p> <p>16 Were you to learn that the FDA does</p> <p>17 not have oversight over compounded pharmacies,</p> <p>18 would that affect your decision about whether or</p> <p>19 not to prescribe or use compounds for your</p> <p>20 patients?</p> <p>21 MS. STEINER: Objection. Same</p> <p>22 objection.</p> <p>23 THE WITNESS: I have to admit I</p> <p>24 would find it very hard to envision the FDA</p> <p>25 not having oversight over a medication.</p>

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 98..101

<p style="text-align: right;">Page 98</p> <p>1 has already answered in this deposition?</p> <p>2 MR. ROTH: Yes.</p> <p>3 THE WITNESS: I was going to say I</p> <p>4 have gone beyond this and given more</p> <p>5 background in having had problems or side</p> <p>6 effects, seeing side effects from the steroid</p> <p>7 used prior, the reason I started using it</p> <p>8 based on Dr. Dickson's recommendation, having</p> <p>9 used it for years over there without any</p> <p>10 problems. It is correct I was not involved</p> <p>11 with the purchasing decision over there.</p> <p>12 And when I started Box Hill Surgery</p> <p>13 Center I decided I was going to continue</p> <p>14 using the same products I had used prior</p> <p>15 without any issues.</p> <p>16 BY MR. ROTH:</p> <p>17 Q. Well, to be fair, the issues with</p> <p>18 respect to side effects, the conversations you</p> <p>19 had with the doctor who you had worked with,</p> <p>20 those related to a decision to use</p> <p>21 preservative-free MPA.</p> <p>22 At the time you didn't know that</p> <p>23 they were purchasing from NECC; isn't that right?</p> <p>24 A. When Harford County decided to</p> <p>25 purchase it?</p>	<p style="text-align: right;">Page 100</p> <p>1 folks from Harford, right?</p> <p>2 A. And having used NECC's</p> <p>3 preservative-free MPA at Harford for years</p> <p>4 without any problem.</p> <p>5 Q. Right.</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And, other than speaking with</p> <p>8 the folks from Harford in 2008, did you have any</p> <p>9 conversation with anybody else about NECC in 2008</p> <p>10 when you made the decision to continue with them?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Okay. One of the things you mention</p> <p>13 in the Answers to Interrogatories is that NECC</p> <p>14 was a, was licensed with the Maryland Department</p> <p>15 of Pharmacy.</p> <p>16 Did you verify that in 2008?</p> <p>17 A. I don't remember specifically one</p> <p>18 way or the other.</p> <p>19 Again, it was being used at the</p> <p>20 other center where I was.</p> <p>21 They had been getting it for a</p> <p>22 period of time. I had been using it there no</p> <p>23 problems.</p> <p>24 So, when I decided to get it, did I</p> <p>25 specifically ask for that license? I don't</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. Right.</p> <p>2 A. I don't, I am not sure if that is</p> <p>3 who they got it from day one over there or not.</p> <p>4 That is who they were getting it from when I left</p> <p>5 and I asked who were they getting it from at the</p> <p>6 time in 2008.</p> <p>7 Q. Right. And so, my, all of that</p> <p>8 background that you have described, related to</p> <p>9 your decision to use preservative-free MPA, not</p> <p>10 the source of that preservative-free MPA.</p> <p>11 I mean earlier on in this</p> <p>12 deposition, you are looking at me like I have two</p> <p>13 heads here.</p> <p>14 A. No, no.</p> <p>15 Q. Early in the deposition I was asking</p> <p>16 you about your decision to use preservative-free</p> <p>17 MPA, and drew a distinction between that decision</p> <p>18 and the source of it, do you recall that?</p> <p>19 A. So, if the question is the decision</p> <p>20 to use it?</p> <p>21 Q. No, I'm sorry.</p> <p>22 A. Or where to get it from?</p> <p>23 Q. That's right. What I'm trying to</p> <p>24 confirm is that your decision to purchase from</p> <p>25 NECC was based upon your conversation with the</p>	<p style="text-align: right;">Page 101</p> <p>1 remember.</p> <p>2 Q. Okay. I think it is 1055 is the</p> <p>3 subpoena?</p> <p>4 MS. STEINER: No, 1055 is the first</p> <p>5 version of her CV. 1054 is the CV.</p> <p>6 MR. ROTH: 1053?</p> <p>7 MS. STEINER: 1053 is the response</p> <p>8 to the PSC's revised opinion.</p> <p>9 MR. ROTH: Can I just make sure I'm</p> <p>10 looking at the same. Right, okay. 1053 is</p> <p>11 the response to the subpoena.</p> <p>12 BY MR. ROTH:</p> <p>13 Q. And, if you look at Page 8, one of</p> <p>14 the things, Request Number 12 asks for, I'm</p> <p>15 looking at the wrong document.</p> <p>16 It asks for "Any marketing</p> <p>17 information, any and all documents and/or</p> <p>18 electronic stored information reflecting or</p> <p>19 containing marketing information from NECP (sic),</p> <p>20 NECP's agents, or any sales company or person,</p> <p>21 marketing or selling or attempting to sell</p> <p>22 products on behalf of NECP."</p> <p>23 In response, we were provided under,</p> <p>24 it is Tab 12; it is on Page 137 and 138.</p> <p>25 MS. STEINER: You said 138?</p>

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 102..105

<p style="text-align: right;">Page 102</p> <p>1 THE WITNESS: 37 did you say?</p> <p>2 MR. ROTH: Well, 37 is the tab.</p> <p>3 BY MR. ROTH:</p> <p>4 Q. We were provided with a copy of what</p> <p>5 looks like a business card for Andrew Howden. Do</p> <p>6 you see that?</p> <p>7 A. Uh-huh, yes.</p> <p>8 Q. Did you look for any marketing</p> <p>9 information that you received from NECC to get to</p> <p>10 your counsel?</p> <p>11 A. I must have gone through a folder,</p> <p>12 if there was anything that was provided.</p> <p>13 Q. Okay. And, did you ever receive any</p> <p>14 reports from NECC regarding -- well, strike that.</p> <p>15 Are you aware of whether or not</p> <p>16 under Maryland's, the regulations promulgated by</p> <p>17 the Maryland Board of Pharmacy, where the</p> <p>18 compounding pharmacies, or anyone licensed has to</p> <p>19 provide reports of inspections to the Maryland</p> <p>20 board?</p> <p>21 I will try it again.</p> <p>22 MS. STEINER: We are not on</p> <p>23 Mr. Howden's business card.</p> <p>24 BY MR. ROTH:</p> <p>25 Q. Well, I wanted to know whether or</p>	<p style="text-align: right;">Page 104</p> <p>1 and I will let her answer the question. You</p> <p>2 were directing her attention to the PSC</p> <p>3 Subpoena Request Number 12 which has to do</p> <p>4 with marketing information.</p> <p>5 You are now asking about a different</p> <p>6 type of document.</p> <p>7 MR. ROTH: Well I'm not sure that it</p> <p>8 is a different type.</p> <p>9 And I'm not trying to play any games</p> <p>10 here.</p> <p>11 I just don't know what type of</p> <p>12 reports or documents NEC may have provided to</p> <p>13 its customers. Whether it is in the form of</p> <p>14 a market report that is a glossy brochure</p> <p>15 that says we are inspected X, Y, and Z, and</p> <p>16 here is what it shows. So I just don't know.</p> <p>17 MS. STEINER: I don't have any</p> <p>18 problem with her answering any questions</p> <p>19 about any documents that she may or may not</p> <p>20 have received from NECC, I just wanted to be</p> <p>21 clear that what was provided in response to</p> <p>22 Number 12 was specifically with regard to</p> <p>23 marketing information. And that is why I</p> <p>24 asked her how.</p> <p>25 MR. ROTH: That is fine. Okay.</p>
<p style="text-align: right;">Page 103</p> <p>1 not there was any other material that you</p> <p>2 received. I just wanted to make sure that that</p> <p>3 was the only document that you provided, and I</p> <p>4 thought she said yes.</p> <p>5 MS. STEINER: I was just going to</p> <p>6 visually switch gears on her, because --</p> <p>7 BY MR. ROTH:</p> <p>8 Q. That is fine.</p> <p>9 A. I'm sorry, the Maryland Board of</p> <p>10 Pharmacy?</p> <p>11 Q. Yes. Are you aware of whether or</p> <p>12 not pharmacies have to provide reports of</p> <p>13 inspections to the Maryland Board of Pharmacies?</p> <p>14 MS. STEINER: At what point in time?</p> <p>15 BY MR. ROTH:</p> <p>16 Q. Between 2008, or, yes, 2008 and the</p> <p>17 time of the recall.</p> <p>18 A. I was not aware of the Board of</p> <p>19 Pharmacies, requirement of regulations for</p> <p>20 pharmacies.</p> <p>21 Q. And the reason why I asked about the</p> <p>22 business card, do you have anywhere in your</p> <p>23 records or files, any reports, any inspection</p> <p>24 reports of NECC?</p> <p>25 MS. STEINER: Let me just be clear</p>	<p style="text-align: right;">Page 105</p> <p>1 Fair enough. I wasn't trying to be critical</p> <p>2 about that. I just wanted to know whether</p> <p>3 there was anything else.</p> <p>4 Let me try it this way.</p> <p>5 BY MR. ROTH:</p> <p>6 Q. Other than this card, have you</p> <p>7 received any information from NECC about its</p> <p>8 products, about its process, anything that says</p> <p>9 here is what we do, here is who we are?</p> <p>10 A. Offhand not that I remember.</p> <p>11 Most of our products that we use, we</p> <p>12 usually keep a folder per vendor or per wherever</p> <p>13 we are getting that stuff from.</p> <p>14 I handed over the whole NECC folder.</p> <p>15 So, if you are asking me to think</p> <p>16 through that. The best that I remember, I don't</p> <p>17 remember seeing any brochures or like a flyer or</p> <p>18 anything like that.</p> <p>19 Q. Okay. So, what was produced by way</p> <p>20 of marketing is the only thing you had in that</p> <p>21 folder, and that is that business card?</p> <p>22 A. That is it, yes.</p> <p>23 Q. And separate and apart from whether</p> <p>24 it is called marketing or not, did you ever</p> <p>25 obtain any inspection reports of NECC facilities</p>

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 106..109

<p style="text-align: right;">Page 106</p> <p>1 between 2008 and the time of the recall?</p> <p>2 A. No, not for NECC or any other</p> <p>3 supplier of products that I was getting.</p> <p>4 Q. Were you aware between 2008 and the</p> <p>5 time of the recall as to whether or not NECC had</p> <p>6 microbiology reports or data?</p> <p>7 A. Not that I recall them sending</p> <p>8 anything like that to us.</p> <p>9 Q. Did you ever request NECC to provide</p> <p>10 you with microbiology reports between 2008 and</p> <p>11 2013?</p> <p>12 A. I don't personally remember</p> <p>13 requesting a report.</p> <p>14 If anything, unless my nurse reached</p> <p>15 out to get something like that after the recall,</p> <p>16 I'm not aware.</p> <p>17 I don't personally remember reaching</p> <p>18 out to NECC to try and get a report like that</p> <p>19 before or after the recall.</p> <p>20 Q. Okay. Well right now I want to</p> <p>21 focus on 2008 and before the recall.</p> <p>22 MS. STEINER: Your question had</p> <p>23 included up until 2013, previously.</p> <p>24 THE WITNESS: 2013.</p> <p>25 MR. ROTH: Thanks, I apologize for</p>	<p style="text-align: right;">Page 108</p> <p>1 different times.</p> <p>2 Q. Okay. And was the supplier somebody</p> <p>3 who was local in the Maryland area?</p> <p>4 A. I mean the supplier would be someone</p> <p>5 like Henry Schein or CuraScript, these are</p> <p>6 national companies. Do they have a local office?</p> <p>7 I don't know.</p> <p>8 Q. Okay. You have answered my</p> <p>9 question. Who were suppliers that you used</p> <p>10 between 2008 and up to the time of the recall for</p> <p>11 injectables?</p> <p>12 A. Those would be Henry Schein or</p> <p>13 CuraScript or McKesson for, there is someone I'm</p> <p>14 missing, I can't remember off the top of my head.</p> <p>15 Q. Okay. And I apologize if I asked</p> <p>16 you this question.</p> <p>17 Do you know whether or not between</p> <p>18 2008 and before the recall there were</p> <p>19 alternatives to MPA preservative-free for an</p> <p>20 injectable steroid?</p> <p>21 MS. STEINER: Objection, asked and</p> <p>22 answered. But you can answer it again.</p> <p>23 THE WITNESS: Yes, because like I</p> <p>24 said before, I don't remember looking around</p> <p>25 for other alternatives since I had already</p>
<p style="text-align: right;">Page 107</p> <p>1 that.</p> <p>2 BY MR. ROTH:</p> <p>3 Q. Between 2008 and until the time of</p> <p>4 the recall, did you ever request or did anyone</p> <p>5 from Box Hill ever request any microbiology data</p> <p>6 from NECC?</p> <p>7 A. No, like I said earlier, not from</p> <p>8 NECC or who we were getting the other injectables</p> <p>9 from, no.</p> <p>10 Q. Okay. And who else were you</p> <p>11 getting, were you getting injectable MPA from</p> <p>12 anyone other than NECC?</p> <p>13 A. No, not injectable. Any other</p> <p>14 injectables, dye, or local anesthetic, or the</p> <p>15 kits are sterile, or the skin prep, I don't</p> <p>16 remember requesting such reports for any of</p> <p>17 those.</p> <p>18 Q. Are the dyes or the, are they</p> <p>19 compounded?</p> <p>20 A. Not to the best of my knowledge.</p> <p>21 Q. Who did you get the dyes from?</p> <p>22 A. Over the years I used Isovue and</p> <p>23 Omnipaque. I'd have to go through the records to</p> <p>24 see who would have been the supplier, not the</p> <p>25 manufacturer, but the supplier for those at</p>	<p style="text-align: right;">Page 109</p> <p>1 used it before. No problems.</p> <p>2 And not just that, all of the other</p> <p>3 products, too, decided that I was going to</p> <p>4 continue using the same.</p> <p>5 BY MR. ROTH:</p> <p>6 Q. Is Depo-Medrol MPA?</p> <p>7 A. Depo-Medrol is methylprednisolone.</p> <p>8 Q. Is that a brand name, Depo-Medrol?</p> <p>9 A. That is a brand name.</p> <p>10 Q. And who manufacturers it?</p> <p>11 A. Currently Pfizer.</p> <p>12 Q. Did you know whether or not in,</p> <p>13 between 2008 until the time of the recall, Pfizer</p> <p>14 made Depo-Medrol in a preservative-free form?</p> <p>15 A. I don't know.</p> <p>16 Q. Pfizer is not a compounding</p> <p>17 pharmacy, correct?</p> <p>18 A. I understand they are a</p> <p>19 manufacturing company.</p> <p>20 Q. Okay. I think you can put that</p> <p>21 stuff away. I'm going to switch gears a little</p> <p>22 bit.</p> <p>23 I want to talk a little bit about</p> <p>24 how you purchased MPA from NECC.</p> <p>25 Were you aware between 2008 and the</p>

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF RITU T. BHAMBHANI, M.D. on 02/10/2016

Pages 114..117

<p style="text-align: right;">Page 114</p> <p>1 That is how the, I guess, if the</p> <p>2 understanding, the question I understand correct</p> <p>3 is how we decided how much to order, that is what</p> <p>4 that was based on, is in anticipation of the</p> <p>5 volume that was being done and what we would need</p> <p>6 over the subsequent period.</p> <p>7 Q. Did you understand when you were</p> <p>8 completing the order form that you were writing</p> <p>9 prescriptions for the patients listed on the</p> <p>10 sheet?</p> <p>11 MS. STEINER: Objection as to</p> <p>12 foundation.</p> <p>13 THE WITNESS: We were filling out</p> <p>14 the order form that they provided. In my --</p> <p>15 well, if I think about it, if you ask me was</p> <p>16 I filling out a prescription, I can't say I</p> <p>17 was thinking of it as a prescription. I have</p> <p>18 never had a company provide me a prescription</p> <p>19 to write for a patient.</p> <p>20 And, I have never written a, I</p> <p>21 guess, a prescription to order medication</p> <p>22 that I planned to inject for a patient. When</p> <p>23 I am used to writing prescriptions over the</p> <p>24 years it is where I am writing a prescription</p> <p>25 for a patient, handing it to the patient to</p>	<p style="text-align: right;">Page 116</p> <p>1 provided as to how we could order the steroid</p> <p>2 from them.</p> <p>3 I followed their instructions.</p> <p>4 Q. Okay. So, were there other</p> <p>5 companies when you started out that you were</p> <p>6 purchasing injectable steroids from?</p> <p>7 MS. STEINER: Objection, asked and</p> <p>8 answered. You can answer again.</p> <p>9 THE WITNESS: No, this was it, when</p> <p>10 I started.</p> <p>11 BY MR. ROTH:</p> <p>12 Q. Okay. And so when they said here is</p> <p>13 our form, you know, fill this out. Did you</p> <p>14 verify with anybody or did you ask anybody,</p> <p>15 whether it was NECC or anyone else whether or</p> <p>16 not, you know, this is the way it is proper to</p> <p>17 order injectable steroids for my patients?</p> <p>18 MS. STEINER: Objection as to form</p> <p>19 and foundation.</p> <p>20 THE WITNESS: I don't recall asking</p> <p>21 anyone. If I asked, since I was still doing,</p> <p>22 going to Harford County and if I had asked</p> <p>23 them, you know, is this how, again this</p> <p>24 wasn't the only thing. It wasn't different</p> <p>25 from a routine.</p>
<p style="text-align: right;">Page 115</p> <p>1 take to the pharmacy or sending to the</p> <p>2 pharmacy.</p> <p>3 These were forms that were provided</p> <p>4 to us by NECC. They said fill it out with</p> <p>5 this information and that is what we were</p> <p>6 providing to them.</p> <p>7 BY MR. ROTH:</p> <p>8 Q. Okay. And when, you got the forms</p> <p>9 or when NECC said okay, here is what we want you</p> <p>10 to do to order this compound, and in 2008 when</p> <p>11 you opened Box Hill this is the first time you</p> <p>12 would have seen one of these order forms?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And when they said here is</p> <p>15 what you do, you fill out the form and give us a</p> <p>16 list of patients, did you ask them why they</p> <p>17 needed patient names?</p> <p>18 A. I guess I didn't have a reason to</p> <p>19 ask. And they were a company, I had used a</p> <p>20 product before. I was following instructions for</p> <p>21 a variety of vendors or providers or suppliers at</p> <p>22 the time.</p> <p>23 Some were forms to be filled out,</p> <p>24 some had application, some had a contract and</p> <p>25 some had a form. To us this is what NECC</p>	<p style="text-align: right;">Page 117</p> <p>1 It was setting up a variety of</p> <p>2 different vendors for different products at</p> <p>3 the time and following instructions from each</p> <p>4 one. I had no reason to specifically ask for</p> <p>5 that particular form if that was.</p> <p>6 BY MR. ROTH:</p> <p>7 Q. Okay. And I want to make a</p> <p>8 distinction between -- were there, the reason why</p> <p>9 I was asking about, were there other vendors you</p> <p>10 were buying injectable steroids from, were there</p> <p>11 other compounding pharmacies that you were</p> <p>12 purchasing medications from that you were going</p> <p>13 to give to your patients besides NECC?</p> <p>14 A. I was not purchasing, as I remember,</p> <p>15 any other medication from another compounding</p> <p>16 pharmacy besides NECC at that time.</p> <p>17 Q. Okay. And you were, NECC was a</p> <p>18 compounding pharmacy, correct? Did you --</p> <p>19 A. Yes, like I said, I probably didn't</p> <p>20 know when I was at Harford County, but -- I</p> <p>21 probably didn't, I had no reason to specifically</p> <p>22 question about one of their, one particular</p> <p>23 vendor.</p> <p>24 But, yes, I knew when I started Box</p> <p>25 Hill that they were a compounding pharmacy.</p>